

REMARKS

I. Drawings

The Examiner has again objected to the drawings on the alleged grounds that the original disclosure does not support the showing of the terminal housing as depicted in Figure 2, which was submitted as part of a substitute sheet of Figure 2 during the prosecution of the original patent. Applicant again respectfully disagrees with the Examiner's objection because the substitute drawing of Figure 2 does not constitute new matter.

Information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter. As stated previously, Figure 2 shows one embodiment of the Applicant's claimed invention, each aspect of which is clearly described in the originally filed specification. For clarity, references to the places where such disclosures are made will be to the column and line corresponding to U.S. Patent No. 5,602,905 as issued. Note that the support for Figure 2 is found outside of that part of the specification which the Examiner has designated as "new matter."

Figure 2 shows a monitor 11, which is disclosed in the '905 patent at col. 2, line 43. The credit card swipe reader 12 of Figure 2 is disclosed at col. 2, line 45. The keyboard 13 is disclosed at col. 2, line 43. The printer is disclosed at col. 2, lines 44-45. At col. 2, line 42, the specification clearly states that the "Terminal device...is comprised of" the several components just described. (Emphasis added.) Clearly, the text of the specification describes exactly what it depicted in Figure 2, namely a Terminal comprising a monitor, a credit card swipe reader, a keyboard, a printer and a CPU. figure

2 depicts one of many possible embodiments of the terminal disclosed in col. 2, lines 42-46. Applicant has previously amended the specification to remove the references to “printer paper discharge chute” and the “access door” and submitted a substitute drawing of Figure 2 removing these structures and their corresponding reference numerals.

For the above reasons alone, Applicant believes that the Examiner’s objections to Figure 2 should be withdrawn. However, Applicant maintains his position that the several U.S. Patents listed in the specification of the ‘905 patent also support the Terminal depicted in Figure 2.

Applicant respectfully submits that Figure 2 does not constitute new matter and respectfully requests that the objection to Figure 2 be withdrawn.

II. Claim Rejections – 35 U.S.C. § 112

Claims 2, 4, 7, and 9 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. In light of the cancellation of claims 2 and 4, and the amendments to claims 7, and 9, Applicant respectfully requests that these rejections be withdrawn.

III. Claim Rejections – 35 U.S.C. § 103(a)

A. Summary of the Examiner’s Rejections

Claims 1-4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the article entitled “TouchFax Provides the Ultimate in Place-Based Interactivity” (hereafter “Exhibit E” for consistency with the Office Action) in view of the TouchFax

brochure entitled "Vision, Power, Versatility" (hereinafter "Exhibit F" for consistency with the Office Action). Insofar as these claims have been cancelled without prejudice, this rejection is moot at this time and will not be addressed any further.

Claims 6-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Exhibit E in view of Exhibit F and further in view of an article by Rawn Shah entitled "Suggestions for Information Kiosk Systems using the World Wide Web" ("Shah Article").

B. Response To Rejections

Claims 1-4 and 6-9 are patentable over all of the references cited by the Examiner in the Office Action. None of the references cited by the Examiner discloses, teaches or suggests a pay-as-you-use computer terminal providing access to the Internet as claimed by Applicant. The Examiner has found it necessary to combine three different references to formulate this rejection but has entirely failed to identify any motivation to combine the combination of Exhibits E and F with the Shah Article. For that reason alone, the Examiner has failed to establish a *prima facie* case of obviousness of claims 6-9. Moreover, Applicant still maintains his argument that none of Exhibits E, F or the Shah Article are proper prior art. However, these arguments will not be repeated a second time.

Assuming for the sake of argument that the combination of Exhibits E and F is appropriate, and that this combination differs from claim 6 only insofar as the combination does not specify accessing and interfacing with the Internet, Applicant nevertheless traverses the Examiner's rejection of claim 6.

The Shah Article does not disclose or suggest that a credit card swipe device should be employed to charge a user for use of the terminal. The Shah Article does not even discuss the use of a credit card swipe device. It merely suggests that registration system should be used so that commercial organizations, as opposed to the terminal owner, can bill the user for the services provided. This is entirely different from charging for use of the terminal itself. Further, as the Examiner admits, Exhibits E and F together do not specify accessing and interfacing with the Internet. Therefore, even the combination of the three references together do not disclose or suggest the use of a credit card swipe device to charge for the use of a terminal which provides access to the internet.

Nor is there any suggestion to combine Exhibits E and F with the Shah Article to produce the claimed terminal. Exhibits E and F were directed to accessing certain stand-alone databases, not the Internet. In fact, Exhibits E and F were specifically directed to charging the user for use of the *service*, not for use of the *terminal*. Neither of these references contemplated the broader and more ingenious idea of allowing access to the Internet, and then charging the user for access to the *terminal*.

None of the references discloses or suggests charging users for terminal access. None of the references discloses or suggests the use of a credit card swipe device to access the Internet. There is no suggestion to combine Exhibits E and F with the Shah Article.

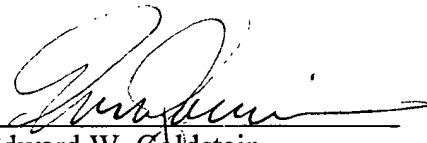
Accordingly, in view of the above remarks and amendments, Applicant respectfully submits that claim 6 is allowable. Because every element in independent claim 6 is not disclosed, taught or suggested in the references cited by the Examiner,

rejection under 35 U.S.C. §103(a) is improper. Therefore, Applicants respectfully request that the rejection of claims 6-9 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests withdrawal of the rejections and allowance of claims 6-9.

Respectfully submitted,


Edward W. Goldstein
Reg. No. 22,945
Goldstein & Polasek, L.L.P.
1177 West Loop South, Suite 400
Houston, TX 77027

F:\CLIENT\6\6388\005\PTO\ROA 61101.doc

VERSION OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

7. The terminal of claim 6, wherein the means for accessing includes a keyboard [touch screen interface attached to the monitor and further includes a touch screen means for accepting input information from the touch screen interface and modifying program execution accordingly] which communicates with and controls a microprocessor.

9. The terminal of claim 6, wherein the [housing includes] terminal comprises a [durable enclosure for the] CPU, monitor, credit card reader swipe device, internal modem and printer[, and a secured access door for service and repair].